IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6044 OF 1998

Hasan Suleman Bagwan)
Age 70 years, Occ. Nil,)
R/of Akluj, Tal. Malshiras,)
District Solapur) ...Petitioner

Versus

1. The State of Maharashtra)
)
2. The General Administration)
Department, Mantralaya,)
Mumbai - 32.)
)
3. Freedom Fighter's High Power)
Committee, 6th Floor,)
Main Building, Mantralaya,)
Mumbai - 32.) ...Respondents.

.....

Shri. S.S. Patwardhan, counsel for the Petitioner

Mrs. S.S. Bhende, A.G.P. for Respondent Nos. 1 to 3.

.....

CORAM: DR. S. RADHAKRISHNAN AND
SMT. V.K. TAHILRAMANI, JJ.

DATED: 30TH NOVEMBER, 2005

ORAL JUDGMENT (PER SMT. V.K. TAHILRAMANI, J.):-

1. Heard the learned counsel for the Petitioner and the learned A.G.P. for Respondent Nos. 1 to 3.

2. The State of Maharashtra i.e. the Respondent

No.1 had launched a scheme related to pension for Freedom Fighters. It is the case of the Petitioner that he had participated in the Indian National Freedom Struggle, hence, he applied for Pension under the said scheme. The application of the Petitioner came to be rejected. The Petitioner was communicated this decision by letter dated 10.1.1997. Being aggrieved thereby, this Petition has been preferred.

3. It is to be noted here that under the scheme of Freedom Fighters pension for being eligible for pension a person has to submit (1) a recommendation from the District Felicitation Committee and (2) two letters of recommendation from two different Freedom Fighters who know the applicant since the days of freedom struggle and are already getting pension under the said scheme. As per requirement No.2 the Petitioner annexed recommendation letters from two Freedom Fighters. These recommendations are also annexed to the petition at Exh. "C" Collectively.

4. We have perused the said recommendation letters. We have also perused the affidavit filed by Mr. D.M. Deshpande, Under Secretary to Government, G.A.D. (Freedom Fighter Cell), Mantralaya, Mumbai. In the

said affidavit, it is stated that, the application of the Petitioner was scrutinised in detail alongwith the documents which he has produced. On scrutiny, it was found that the Petitioner had not mentioned or given any particulars of any event/incident with regard to his underground activities by which his participation in the freedom movement could be ascertained. The activities mentioned by the Petitioner in his application as well as in the certificates issued by two Freedom Fighters which were annexed by him like burning of Post Offices, attack on Police Chowkies, cutting of cables and distribution of bulletins were general in nature. Neither in the application preferred by the Petitioner nor in the certificates of any of the Freedom Fighters it is mentioned as to which police chowki was attacked or the post office was burnt.

5. We have also perused the application for pension preferred by the Petitioner as well as two certificates given by two Freedom Fighters which have been annexed by him to the application. Though they mention that the Petitioner had taken part in the underground freedom struggle by burning of post offices, police chowkies, cutting of cables and

distribution of bulletins, the name of the police Chowki or Post Office or the area/location and approximate date when the incident took place have not been stated anywhere. The date and place where the cables were cut is also not mentioned anywhere. So also the village or place where the bulletins were distributed by the Petitioner has not been stated in his application or in the certificates. On perusal of the application and two certificates we find that they do not give any specific particulars so as to identify any specific incident in which the Petitioner has participated in the movement of underground freedom Struggle. In this view of the matter, we are of the opinion that no fault can be found with the authorities for rejecting the application of the Petitioner for Freedom Fighters pension.

6. In our view, the order rejecting the application of the petitioner for Freedom Fighters' pension is perfectly just, legal and proper. No interference is called for. Rule stands discharged. However, no order as to costs.

*****